

In the Matter of Merchant Mariner's Document No. Z-519831
Issued to: JEROME A. SEVERE

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JEROME A. SEVERE

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 14 August, 1951, an Examiner of the United States Coast Guard at New Orleans, Louisiana, revoked Merchant Mariner's Document No. Z-519831 issued to Jerome A. Severe upon finding him guilty of misconduct based upon two specifications alleging in substance that while serving as wiper on board the American SS TILLIE LYKES under authority of the document above described, on or about 13 October, 1950, while said vessel was in the port of San Francisco, California, he wrongfully had in his possession certain narcotics; to wit, marijuana; and on various days throughout the voyage of above vessel, he wrongfully used about eleven marijuana cigarettes.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Although advised of his right to be represented by counsel of his own selection, Appellant voluntarily elected to waive that right and act as his own counsel. He entered a plea of "guilty" to the charge and each specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and Appellant stated in mitigation that he has a family to support and that he is in considerable debt due to a recent death in his family.

At the conclusion of the hearing, having given both parties an opportunity to submit arguments as well as proposed findings and conclusions, the Examiner announced his findings and concluded that the charge had been proved by plea and entered the order revoking Appellant's Merchant Mariner's Document No. Z-519831 and all other licenses, certificates of service and documents issued to this Appellant by the United States Coast Guard or its predecessor authority.

From that order, this appeal has been taken, and it is urged that Appellant has never been in any trouble during his six years at sea; that he is in dire financial straits and has a family; that he has never used marijuana before or since the time of this offense; and that he will never use marijuana again. There are also three letters of recommendation which were submitted as part of the appeal.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 13 October, 1950, Appellant was serving as wiper on board the American SS TILLIE LYKES and acting under authority of his Merchant Mariner's Document No. Z-519831 while the ship was in the port of San Francisco, California.

On this date, a Port Patrol Officer apprehended Appellant with four marijuana cigarettes in his possession. Appellant admitted having rolled fifteen marijuana cigarettes and having smoked the other eleven during the voyage to this port. Appellant was convicted in the Superior Court for the State of California for having marijuana in his possession. He pleaded "guilty" and was sentenced to imprisonment for a period of thirty days.

OPINION

As stated by the Examiner, it has been the consistent policy of the Coast Guard to revoke seamen's documents when there has been any association with narcotics. It is believed that this course of action is required by the statutory duty of the Coast Guard to preserve lives and property at sea. Individual hardships cannot be permitted to cause a deviation from this policy since the lives of many seamen would be exposed to danger when sailing on ships where there is marijuana or other narcotics aboard and susceptible to use which often produces violent results.

ORDER

The order of the Examiner dated 14 August, 1951, should be, and it is, AFFIRMED.

A. C. Richmond
Rear Admiral, United States Coast Guard
Acting Commandant

Dated at Washington, D. C., this 19th day of October, 1951.